

MINUTES

REGULAR COUNCIL MEETING

8:00 p.m.

February 19, 2008

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on February 15, 2008:

ROLL CALL

Councilmen Present: Mr. Ranally, Mr. Woodin, Mr. Harrold, Mrs. Manning, Mr. Black, Mr. Carr, Mr. Fiala

Others Present: Mayor Anderson, Law Director Wiles, Service Director Tomaselli, City Engineer Sayles, Fire Chief Zwegat, Police Chief Straube, Parks and Recreation Director Katz, Finance Director Rogowski, Clerk Radebaugh

The meeting was led in prayer and the Pledge of Allegiance by Council President Ranally.

Approval of Minutes

Motion made and seconded to approve the Regular Council minutes of February 5, 2008.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

Roll Call

STANDING COMMITTEES OF COUNCIL

Committee of Full, Mr. Ranally – No report.

Economic Development Committee, Mr. Black – No report.

Environmental Planning Committee, Mr. Fiala – There is one item on the agenda for approval this evening.

Finance and Audit Committee, Mrs. Manning – No report.

Parks & Recreation Committee, Mr. Harrold – No report.

Personnel Committee, Mr. Carr – No report.

Safety Committee, Mr. Black – No report.

Service Committee, Mr. Woodin – No report.

WPCC Committee, Mr. Harrold – No report.

Clean City Commission, Mr. Ranally – The Clean City Commission meeting was cancelled.

Planning Commission, Mr. Fiala – The joint meeting with Council scheduled for tomorrow has been cancelled. Mayor Anderson explained that D.B. Hartt did not have information ready for Council to review before the meeting. The next meeting is scheduled for March 20th if everyone is available. Mr. Fiala said that the Wind Turbine legislation being discussed at Planning Commission will also be discussed at the joint meeting.

Shade Tree Commission, Mr. Carr – The last meeting was cancelled.

CORRESPONDENCE

The clerk read a notice from the Ohio Department of Liquor Control for Painesville Pizza Inc, DBA Pizza Hut, 35050 Euclid Ave. The permit was revised to add another stockholder.

PUBLIC PORTION

Tom Winfield, 1697 Mentor Ave., Painesville representing Mr. and Mrs. Yutzy, Beachview Dr. – Explained he has a problem with the Building Department requiring a permit from the State of Ohio to do repairs on lakefront property. He stated said he does not need a permit from the state; the work being done is permitted by the city. The Yutzy's are building a land retaining wall with a deck for which there are no requirements to meet for the State of Ohio or the Corps. of Engineers. He is asking that the Building Department follow their own ordinance.

Law Director Wiles explained that the Building Department is not requiring a permit from the state, but is asking for a letter from the state stating that no permit is required. Mr. Winfield said that the state has no intentions of issuing this letter. Councilman Woodin advised Council that Mr. Winfield did a similar job a few years ago without permits from the state.

Mr. Woodin asked Mr. Wiles for suggestions regarding policies and procedures for the city to work with ODNR for future dumping on the lakefront. Mr. Wiles said that the City has the rules in place to control dumping, but the problem is that we do not have the manpower to police the dumping.

After some discussion regarding the difficulty in getting a response from ODNR, Mayor Anderson suggested contacting Senator Grendell with the problem. Mr. Wiles said he will get together with Mr. Smith and will contact the state to ask them to issue something stating whether a permit is needed or not.

Mr. Ranally commented that Mr. Woodin had previously stated that someone from ODNR would come to a meeting to educate everyone on the proper procedures for shoreline protection. He suggested that Mr. Woodin contact this person for a meeting in April.

NEW BUSINESS

Motion made and seconded that all ordinances and resolutions be read by caption only and that as to legislation not containing an emergency clause, the rules requiring that ordinances and resolutions be read on three separate days be waived.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2008-21

A Resolution approving EAS#2-1-08 for construction of an addition to the existing building located on the campus of the Andrews Osborne Academy, 38588 Mentor Avenue (Van Gorder Building).

Motion made and seconded to adopt Resolution No. 2008-21.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2008-22

A Resolution authorizing the Director of Public Service to prepare specifications and to advertise for bids for the collection of recyclables at three (3) locations within the City for a period of three (3) years with an option for a two- (2) year renewal.

Motion made and seconded to adopt Resolution No. 2008-22.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

ORDINANCE NO. 2008-23

An Ordinance granting a permanent easement to the Board of Lake County Commissioners to access city-owned property (Permanent Parcel No. 21-A-022-0-00-028) For construction, repair, replacement, relay, maintenance, operation, and inspection of the Kirtland Sanitary Sewer Project and necessary appurtenances thereto, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Ordinance No. 2008-23 be declared an emergency measure.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to pass Ordinance No. 2008-23.

Roll Call: 7 yes
0 no

Motion carried 7 to 0

MAYOR'S REPORT – Mayor Anderson explained that the city now has a Willoughby Area Welcome Center which is a train car located at Willoughby Coal Supply. The Willoughby Area Welcome Center Committee is asking the city to consider a grant in the amount of \$1000 to help offset their utility costs. Council agreed to the \$1000 grant.

Mayor Anderson reported that the Finance Department received the Excellence in Financial Reporting Award for the 21st year in a row. The city has also been notified that we are receiving the "Making Your Tax Dollars Work" award from the Ohio State Auditor for 2005 and 2006. Someone from the State Auditor's Office will present these awards in June.

OTHER REPORTS

Law Director Wiles – No report. Councilman Woodin thanked Mr. Wiles for his input tonight regarding the lakefront problem. Mr. Woodin asked if the ordinances regarding clearing lots could be reviewed. He referred to property on Lakeshore Blvd. that was cleared but the contractor left tree stumps that are 4 ft. high and uneven ground. He would like to have an ordinance that states that when clearing a lot, stumps would be removed and hauled away, property would be graded and seeded. Mr. Tomaselli said that this property was cleared under the Storm Water Management Ordinance which allows the stumps to remain. Mr. Wiles will review the ordinance.

Councilman Black and Mr. Wiles discussed the outcome of a trial regarding an exterior maintenance problem. Mr. Wiles said that he is going try to make one of the conditions of probation to clean up this property. Mr. Black commented that the cost to prosecute this case is ridiculous; we need more teeth in our ordinances.

Service Director Tomaselli – No report. Councilman Fiala asked for an update on the snaking of private sewers on Beachview. Mr. Tomaselli said that the Sewer Dept. cannot find where the resident's sewer is going. Tomorrow a video camera will be put in the main to try to locate the laterals.

Councilman Carr commented on the sidewalks that are in disrepair on River Street going into downtown. He asked how to get these repaired. Mr. Tomaselli explained the sidewalk repair procedure which is done on a complaint basis. Mr. Carr will write a letter of complaint to the Service Department regarding these sidewalks.

City Engineer Sayles – Reported that at the next Council meeting he will have legislation authorizing advertising for bids for the Erie Road Pump Station Sanitary Sewer Project. He asked for a Committee meeting before the next Council meeting to discuss this project.

Fire Chief Zwegat – No report.

Police Chief Straube - No report.

Chief Building and Zoning Inspector Smith– Absent.

Parks & Recreation Director Katz – No report.

Finance Director Rogowski – No report.

COUNCILMEN

Mr. Woodin – Thanked Mr. Rogowski and his staff for the fine job they have been doing.

Mr. Fiala – Congratulated Mr. Rogowski on the great job.

Mr. Carr – Reported that he has 250 names on his distribution list for his electronic newsletter.

Mrs. Manning – No report.

Mr. Harrold – No report.

Mr. Black – No report.

Mr. Ranally – Commented that as Chairman of the Finance Committee for a number of years he had worked with Ray Rogowski and Diane Bosley. They have done a great job and he expressed his appreciation and gratitude for all their hard work and the staff's hard work.

Regular Council Meeting adjourned at 8:55 p.m.

Date approved _____

Clerk of Council

Jerome P. Ranally, Council President

David E. Anderson, Mayor